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December 11, 2008

BY HAND

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

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COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 DEC 11 P 3 08

Re: MUR 6083

Dear Mr. Jordan:

We are writing this letter on behalf of Obama for America (the "Committee") and Martin Nesbitt, as treasurer, (collectively referred to as the "Respondents") in response to the Complaint filed in the above-referenced matter by Richard M. Swier (the "Complainant"). The Complaint fails to allege a violation of federal campaign finance law and asserts no facts that give rise to a reason to believe that Respondents have violated federal campaign finance law. For the reasons set forth below, the Complaint is without merit and should be dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Federal Election Campaign Act. See 11 C.F.R. § 111.4(a), (d). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statements of Reasons, MUR 4960 (Dec. 21, 2001).

The Complaint alleges that a member of the Boston office of MoveOn.org contacted Mr. Swier on September 21, 2008, and suggested that he volunteer to work at the "Sarasota County Obama campaign office." The MoveOn.org volunteer allegedly gave Mr. Swier the telephone number of the Sarasota County office.

The Complaint does not contain facts alleging that Respondents have violated any federal campaign finance law. Obama for America never opened an Obama for America office in

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Sarasota County. The telephone number allegedly provided to Mr. Swier was the telephone number for the Florida Democratic Party's field office in Sarasota, Florida. It was not the telephone number for an Obama for America office. Attached is an affidavit to that effect from Henry DeSio, the Chief Operating Officer of Obama for America.

The Complaint therefore describes activity unrelated to Respondents. Mr. Swier does not allege any communication with Respondents, nor do the facts support his allegation of impermissible coordination between MoveOn.org and Obama for America. The facts suggest only that a MoveOn.org volunteer gave Mr. Swier contact information for a state party field office in Sarasota County; she did not give him contact information for an Obama for America office.

Moreover, the Complaint does not allege a violation of federal campaign finance law at all. The Complaint's only allegation is that a MoveOn.org volunteer provided contact information to a potential volunteer. Even if the MoveOn.org volunteer had given Mr. Swier contact information for an Obama for America office, which she did not, providing such contact information does not give rise to a violation of federal campaign finance law.

In sum, the Complaint does not allege any facts that would describe a violation of federal campaign finance law on the part of the Respondents. Pursuant to 11 C.F.R. § 111.4(d), Respondents respectfully request that the Commission immediately dismiss the Complaint and take no further action.

Very truly yours,



Robert H. Bauer
Rebecca Gordon

Counsel to Obama for America and Martin H. Nesbitt, Treasurer